

REMARKS

Claims 1-3, 12, 13, 16-19, 26, 31-33, 43-45, 57, 61, 62 and 94-107 are pending in this application. Claims 3, 17-18, 32-33, 61-62 and 96-102 are canceled herein without prejudice. Claims 1, 12, 13, 16, 26, 31, 44-45, 95, and 103-107 are amended herein for clarity to more particularly define the invention. New claims 108-117 are added herein. Support for these amendments and new claims is found in the language of the original claims and throughout the specification, as set forth below. No new matter is added by these amendments and new claims and their entry and consideration are respectfully requested. In light of these amendments, new claims and the following remarks, applicants respectfully request reconsideration of this application and allowance of the pending claims to issue.

I. Recordation of Interview

Applicants wish to make of record the telephone interview that took place on October 23, 2008, in which Examiner Russell Kallis and applicants' representative, Dr. Mary Miller, participated. The pending rejections and support in the specification to address the new matter, written description and enablement rejections were discussed. Applicants appreciate the opportunity to discuss this application and the pending claims with the Examiner.

II. Claim objections

The Office Action states that claims 26 and 43-45 are objected to as being in improper multiple dependent form.

Claim 26 as presented herein no longer recites any multiple dependencies and claims 44 and 45 as presented herein depend only from claims 13 or 31, which is consistent with the multiple dependency of claim 43. Thus, this objection has been rendered moot and applicants respectfully request its withdrawal.

III. Rejection under 35 U.S.C. § 112, first paragraph (new matter)

The Office Action states that claim 1-3, 12-13, 16-19, 26, 31-33, 43-45, 57, 61-62, 95-100 and 103-107 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly introducing new matter.

As discussed during the October 23, 2008 telephone interview, the Examiner was directed to citations in the specification that provide support for the subject matter of these claims (e.g., at least on page 6, line 15; page 9, line 2 through page 11, line 15; page 23, lines 4-7; and in original claims 28, 29, 35, 36, 46, 48, 52-54 and 57-60). It was agreed during the telephone interview that the new matter rejection would be withdrawn.

IV. Rejection under 35 U.S.C. § 112, first paragraph (written description)

The Office Action states that claims 1-3, 12-13, 16-19, 26, 31-33, 43-45, 57, 61-62, 95-100 and 103-107 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description. Specifically, the Office Action states that the claims are directed to SEQ ID NO:1 and fragments of SEQ ID NO:1 and that because applicants have not described a structure shared in common between the claimed fragments and that is correlated with the claimed antisense activity, the written description requirement has not been satisfied.

As discussed during the October 23, 2008 telephone interview, claims as presented herein, directed to fragments of the nucleotide sequence of SEQ ID NO:1, as well as claims directed to fragments of the complement of the nucleotide sequence of SEQ ID NO:1, are adequately supported in the present specification. Thus, applicants believe this rejection has been overcome and its withdrawal is respectfully requested.

V. Rejection under 35 U.S.C. § 112, first paragraph (enablement)

The Office Action states that claims 1-3, 12-13, 16-19, 26, 31-33, 43-45, 57, 61-62, 95-100 and 103-107 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement.

As discussed during the October 23, 2008 telephone interview, claims as presented herein, directed to fragments of the nucleotide sequence of SEQ ID NO:1, as well as claims directed to fragments of the complement of the nucleotide sequence of SEQ ID NO:1, are adequately enabled in the present specification. Thus, applicants believe this rejection has been overcome and its withdrawal is respectfully requested.

VI. New claims 108-117

New claims 108-117 are added herein, all of which depend either directly or indirectly from previously pending claim 95. Support for these new claims is found in the language of the original claims and throughout the specification, as set forth above. Thus, these new claims are believed to be free of the rejections recited in the Office Action for the same reasons that the pending claims are free of the recited rejections. Accordingly, applicants respectfully request the entry and allowance of these new claims.

Having addressed all of the issues raised by the Examiner in the present Office Action, applicants believe this application to be in condition for allowance, which action is respectfully requested. The Examiner is invited and encouraged to contact the undersigned directly if such contact will expedite the prosecution of the pending claims to issue.

The Commissioner is authorized to charge Deposit Account No. 50-0220 in the amount of \$2540.00 (\$1730.00 as fee for a four month extension of time from the April 29, 2008 filing of the Notice of Appeal and \$810.00 as fee for a Request for Continued Examination). This amount is believed to be correct. However, the Commissioner is authorized to charge any deficiency related to this filing or credit any overpayment to Deposit Account No 50-0220.

Respectfully submitted,



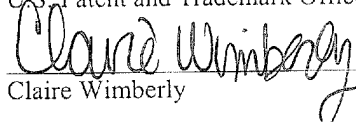
Mary L. Miller
Registration No. 39,303

Customer No. 20792

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

CERTIFICATION OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on October 29, 2008.


Claire Wimberly